

UNITED STATES DISTRICT COURT

Northern District of California

San Francisco Division

SAMI ARIM, et al.,

No. C 11-01544 LB

Plaintiffs,

ORDER TO SHOW CAUSE

v.

FIRST HORIZON HOME LOANS, et
al.,

Defendants.

On March 30, 2011, Plaintiffs Sami Arim and Luciana Arim filed a complaint against Defendants First Horizon Home Loans, First Tennessee Bank, N.A., and Assured Lender Services. Complaint, ECF No. 1.¹ The Clerk issued a summons as to each Defendant on April 1, 2011. *See* Clerks Notice, ECF No. 3.

On May 11, 2011 and again on August 19, 2011, the Clerk requested Plaintiffs consent or decline to proceed before a United States Magistrate Judge. *See* ECF Nos. 4-5. Plaintiffs did not respond to the clerk's notices. Nor have plaintiffs filed any evidence that they have served any Defendant within the 120-day time period provided by Federal Rule of Civil Procedure 4(m).

On September 13, 2012, the court ordered Plaintiffs to show cause by October 1, 2012, why the

¹ Citations are to the Electronic Case File ("ECF") with pin cites to the electronically-generated page number at the top of the document.

1 court should not dismiss this action for failure to prosecute. *See*, ECF No. 9. On September 18 and
2 25, 2012, the USPS returned the court's letters as undeliverable. ECF Nos. 10-11. On October 2,
3 2012, the court reached Plaintiff Sammi Arim at the telephone number listed on the docket. Mr.
4 Arim provided the court with updated address information for both Plaintiffs.

5 On October 3, 2012, the court once again ordered Plaintiffs to show cause why the court should
6 not dismiss Defendants First Horizon Home Loans, First Tennessee Bank, N.A., and Assured Lender
7 Services for failure to prosecute. Order, ECF No. 12. The court ordered Plaintiffs to file a response
8 to the order to show cause by November 1, 2012. The court specifically instructed Plaintiffs that if
9 it did not receive Plaintiffs' response by November 1, 2012, it would "reassign the matter to a United
10 States District Court Judge who may dismiss Plaintiffs' complaint without further notice." *Id.*

11 The court received no response by November 1, 2012.

12 Because the court did not specify the possibility of showing good cause, the court issues one
13 final order to show cause. Plaintiffs have 120 days under Rule 4(m) to serve the defendants. If they
14 do not, they risk dismissal of the action as to all defendants without prejudice. The court directs
15 Plaintiffs to serve all Defendants by December 6, 2012 and to file proof of service by December 13,
16 2012 (or to show good cause for the failure by that date).

17 The court will mail a copy of this order to Plaintiffs at their address of record and the second
18 address that Mr. Arim provided and that is reflected in the docket at the remark dated October 2,
19 2012.

20 **IT IS SO ORDERED.**

21 Dated: November 20, 2012



22 LAUREL BEELER
23 United States Magistrate Judge
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